

Attorney General for deposit in the Treasury of the United States. (June 25, 1948, ch. 645, § 1, 62 Stat. 825.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 662, 662c, 662d, 668 (R. S. § 5278; Aug. 3, 1882, ch. 378, § 4, 22 Stat. 216; June 28, 1902, ch. 1301, § 1, 32 Stat. 475; Mar. 22, 1934, ch. 73, §§ 2, 3, 48 Stat. 455).

First paragraph of this section consolidates provisions as to costs and expenses from said sections 662, 662c, and 662d.

Minor changes were made in phraseology and surplusage was omitted.

Remaining provisions of said sections 662, 662c, and 662d of title 18, U. S. C., 1940 ed., are incorporated in sections 752, 3182, 3183, and 3187 of this title.

The words "or the Department of Justice as the case may be" were added at the end of the second paragraph in conformity with the appropriation acts of recent years. See for example act July 5, 1946, ch. 541, title II, 60 Stat. 460.

CROSS REFERENCES

Fees of commissioners, see section 633 of Title 28, Judiciary and Judicial Procedure.

Chapter 211.—JURISDICTION AND VENUE

Sec.

- 3231. District courts.
- 3232. District of offense—Rule.
- 3233. Transfer within district—Rule.
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- 3238. Offenses not committed in any district.
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- 3241. Jurisdiction of offenses under certain sections.
- 3242. Indians committing certain offenses; acts on reservations.
- 3243. Jurisdiction of State of Kansas over offenses committed by or against Indians on Indian reservations.

§ 3231. District courts.

The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.

Nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof. (June 25, 1948, ch. 645, § 1, 62 Stat. 826.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 588d of title 12, U. S. C., 1940 ed., Banks and Banking; title 18, U. S. C., 1940 ed., §§ 546, 547 (Mar. 4, 1909, ch. 321, §§ 326, 340, 35 Stat. 1151, 1153; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; May 18, 1934, ch. 304, § 4, 48 Stat. 783).

This section was formed by combining sections 546 and 547 of title 18, U. S. C., 1940 ed., with section 588d of title 12, U. S. C., Banks and Banking, with no change of substance.

The language of said section 588d of title 12, U. S. C., 1940 ed., which related to bank robbery, or killing or kidnapping as an incident thereto (see section 2113, of this title), and which read "Jurisdiction over any offense defined by sections 588b and 588c of this title shall not be reserved exclusively to courts of the United States" was omitted as adequately covered by this section.

SENATE REVISION AMENDMENT

The text of this section was changed by Senate amendment. See Senate Report No. 1620, amendment No. 10, 80th Cong.

CROSS REFERENCES

Civil jurisdiction of Federal courts, see section 1331 et seq. of Title 28, Judiciary and Judicial Procedure.

Consular courts, jurisdiction and procedure, see section 141 et seq. of Title 22, Foreign Relations and Intercourse.

Exclusive jurisdiction of Federal crimes, see sections 1251, 1333, 1334, 1338, 1351, 1355, 1356 of Title 28, Judiciary and Judicial Procedure.

Jurisdiction of juvenile delinquents, see section 5033 of this title.

Jurisdiction over felonies in Yellowstone National Park, see section 3402 of this title, and section 131 of Title 28, Judiciary and Judicial Procedure.

Special maritime and territorial jurisdiction of the United States, see section 7 of this title.

United States commissioners, jurisdiction to try petty offenses, see section 3401 of this title.

§ 3232. District of offense—(rule).

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Proceedings to be in district and division in which offense committed, Rule 18.

(June 25, 1948, ch. 645, § 1, 62 Stat. 826.)

§ 3233. Transfer within district—(rule).

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Arraignment, plea, trial, sentence in district of more than one division, Rule 19.

(June 25, 1948, ch. 645, § 1, 62 Stat. 826.)

CROSS REFERENCES

Districts containing more than one division; venue, see sections 1393 and 1441 of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CRIMINAL PROCEDURE

Time of motion to transfer, see rule 22, following section 3771 of this title.

Transfer from the district or division, see rule 21.

§ 3234. Change of venue to another district—(rule).

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Plea or disposal of case in district other than that in which defendant was arrested, Rule 20.

(June 25, 1948, ch. 645, § 1, 62 Stat. 826.)

FEDERAL RULES OF CRIMINAL PROCEDURE

Time of motion to transfer, see rule 22, following section 3771 of this title.

Transfer from the district or division for trial, see rule 21.

§ 3235. Venue in capital cases.

The trial of offenses punishable with death shall be had in the county where the offense was committed, where that can be done without great inconvenience. (June 25, 1948, ch. 645, § 1, 62 Stat. 826.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 101 of title 28, U. S. C., 1940 ed., Judicial Code and Judiciary (Mar. 3, 1911, ch. 231, § 40, 36 Stat. 1100).

CROSS REFERENCES

Change of venue in civil actions, see section 1404 of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CRIMINAL PROCEDURE

Venue of criminal prosecutions, see rule 18 et seq. following section 3771 of this title.

§ 3236. Murder or manslaughter.

In all cases of murder or manslaughter, the offense shall be deemed to have been committed at the place where the injury was inflicted, or the poison administered or other means employed which

caused the death, without regard to the place where the death occurs. (June 25, 1948, ch. 645, § 1, 62 Stat. 826.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 553 (Mar. 4, 1909, ch. 321, § 336, 35 Stat. 1152).

§ 3237. Offenses begun in one district and completed in another.

Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed.

Any offense involving the use of the mails, or transportation in interstate or foreign commerce, is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce or mail matter moves. (June 25, 1948, ch. 645, § 1, 62 Stat. 826.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 103 of title 28, U. S. C., 1940 ed., Judicial Code and Judiciary (Mar. 3, 1911, ch. 231, § 42, 36 Stat. 1100).

Section was completely rewritten to clarify legislative intent and in order to omit special venue provisions from many sections.

The phrase "committed in more than one district" may be comprehensive enough to include "begun in one district and completed in another", but the use of both expressions precludes any doubt as to legislative intent.

Rules 18—22 of the Federal Rules of Criminal Procedure are in accord with this section.

The last paragraph of the revised section was added to meet the situation created by the decision of the Supreme Court of the United States in *United States v. Johnson*, 1944, 65 S. Ct. 249, 89 L. Ed. 236, which turned on the absence of a special venue provision in the Dentures Act, section 1821 of this revision. The revised section removes all doubt as to the venue of continuing offenses and makes unnecessary special venue provisions except in cases where Congress desires to restrict the prosecution of offenses to particular districts as in section 1073 of this revision.

FEDERAL RULES OF CRIMINAL PROCEDURE

Venue of criminal prosecutions, see rule 18 et seq. following section 3771 of this title.

§ 3238. Offenses not committed in any district.

The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought. (June 25, 1948, ch. 645, § 1, 62 Stat. 826.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 102 of title 28, U. S. C., 1940 ed., Judicial Code and Judiciary (Mar. 3, 1911, ch. 231, § 41, 36 Stat. 1100).

Words "begun or" were inserted to clarify scope of this section and section 3237 of this title.

This section is similar to section 219 of title 22, U. S. C., 1940 ed., Foreign Relations and Intercourse, providing in part that unlawful issuance of passports may be prosecuted in the district where the offender may be arrested or in custody. Said provision is therefore omitted as covered by this section. The remaining provisions of said section 219 are incorporated in section 1541 of this title.

CROSS REFERENCES

Venue of prosecution of offenses relating to fur seals and sea otters in Pacific Ocean, see section 639 of Title 16, Conservation.

§ 3239. Threatening communications.

Any defendant indicted under sections 875, 876 or 877 of this title, with respect to communications originating in the United States, shall, upon motion duly made, be entitled as of right to be tried in the district in which the matter mailed or otherwise transmitted was first set in motion, in the mails or in commerce between the States. (June 25, 1948, ch. 645, § 1, 62 Stat. 827.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 338a, 338b, 408d (July 8, 1932, ch. 464, §§ 1, 2, 47 Stat. 649; May 18, 1934, ch. 300, 48 Stat. 781; June 28, 1935, ch. 326, 49 Stat. 427; May 15, 1939, ch. 133, §§ 1, 2, 53 Stat. 742—744).

Sections 338a, 338b, and 408d of title 18, U. S. C., 1940 ed., were each incorporated in this section and sections 875, 876, and 877 of this title and the parts consolidated with necessary changes of phraseology only.

§ 3240. Creation of new district or division.

Whenever any new district or division is established, or any county or territory is transferred from one district or division to another district or division, prosecutions for offenses committed within such district, division, county, or territory prior to such transfer, shall be commenced and proceeded with the same as if such new district or division had not been created, or such county or territory had not been transferred, unless the court, upon the application of the defendant, shall order the case to be removed to the new district or division for trial. (June 25, 1948, ch. 645, § 1, 62 Stat. 827; May 24, 1949, ch. 139, § 50, 63 Stat. 96.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 121 of title 28, U. S. C., 1940 ed., Judicial Code and Judiciary (Mar. 3, 1911, ch. 231, § 59, 36 Stat. 1103).

Section 121 of title 28, U. S. C., 1940 ed., Judicial Code and Judiciary, was divided into two sections. Only the portion relating to venue in civil cases was left in title 28, U. S. C., 1940 ed., Judicial Code and Judiciary.

Minor changes of phraseology were made.

AMENDMENTS

1949—Act May 24, 1949 amended section by striking out former second sentence reading "The transfer of such prosecutions shall be made in the manner provided in section 119 of Title 28" as surplusage.

FEDERAL RULES OF CRIMINAL PROCEDURE

Venue of criminal prosecutions, see rule 18 et seq. following section 3771 of this title.

§ 3241. Jurisdiction of offenses under certain sections.

The District Court for the Territory of Alaska, the United States District Court for the Canal Zone and the District Court of the Virgin Islands shall have jurisdiction of offenses under the laws of the United States, not locally inapplicable, committed within the territorial jurisdiction of such courts, and jurisdiction, concurrently with the district courts of the United States, of offenses against the laws of the United States committed upon the high seas. (June 25, 1948, ch. 645, § 1, 62 Stat. 827.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 39, 574; sections 23, 101, 1406 of title 48 U. S. C., 1940 ed., Territories and Insular Possessions; section 39 of title 50 U. S. C., 1940 ed., War and National Defense (June 6, 1900, ch. 786, § 4, 31 Stat. 322; Aug. 24, 1912, ch. 387, § 3, 37 Stat. 512; June 15, 1917, ch. 30, title XIII, § 2, 40 Stat. 231; Mar. 2, 1921, ch. 110, 41 Stat. 1203; June 22, 1936, ch. 699, § 28, 49 Stat. 1814).

Section consolidates portions of sections 39 and 574 of title 18 U. S. C., 1940 ed., with jurisdictional provisions of sections 23, 101, and 1406 of title 48 U. S. C., 1940 ed., and section 39 of title 50 U. S. C., 1940 ed., with changes of phraseology necessary to effect consolidation.

The revised section simplifies and clarifies the Federal jurisdiction of the district courts of the Territories and Possessions. The enumeration of sections in section 574 of title 18 U. S. C., 1940 ed., was omitted as incomplete and misleading and the general language of the revised section was made applicable to the Canal Zone.

The phrase "the several courts of the first instance in the Philippine Islands" in section 574 of title 18 U. S. C., 1940 ed., was omitted as obsolete in view of the independence of the Commonwealth of the Philippines effective July 4, 1946.

The last sentence of section 574 of title 18 U. S. C., 1940 ed., with reference to the powers of district attorneys was omitted as unnecessary and otherwise covered by sections 403 and 404 of title 22 U. S. C., 1940 ed., Foreign Relations and Intercourse.

Definition of United States in section 39 of title 18 U. S. C., 1940 ed., is incorporated in section 5 of this title.

FEDERAL RULES OF CRIMINAL PROCEDURE

Application of rules, see note by Advisory Committee under rule 54 following section 3771 of this title.

§ 3242. Indians committing certain offenses; acts on reservations.

All Indians committing any of the following offenses, namely, murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, arson, burglary, robbery, and larceny on and within the Indian country shall be tried in the same courts, and in the same manner, as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States. (June 25, 1948, ch. 645, § 1, 62 Stat. 827; May 24, 1949, ch. 139, § 51, 63 Stat. 96.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 548 (Mar. 4, 1909, ch. 321, § 328, 35 Stat. 1151; June 28, 1932, ch. 284, 47 Stat. 337).

The provisions defining rape in accordance with the law of the State and prescribing imprisonment at the discretion of the court for rape by an Indian upon an Indian are now included in section 1153 of this title. (See also section 6 of this title.)

Section 549 of said title 18, relating to crimes in Indian reservations in South Dakota, was omitted as covered by section 1153 of this title. Accordingly the last sentence of said section 548, extending this section to prosecutions of Indians in South Dakota, was also omitted as unnecessary because this section is sufficient and applicable. Other provisions of said section 548 are incorporated in sections 1151 and 1153 of this title.

Minor changes were made in phraseology.

AMENDMENTS

1949—Act May 24, 1949 amended section by inserting "within the Indian country" in lieu of "within any Indian reservation, including rights-of-way running through the reservation."

CROSS REFERENCES

Offenses committed within Indian country, see section 1153 of this title.

§ 3243. Jurisdiction of State of Kansas over offenses committed by or against Indians on Indian reservations.

Jurisdiction is conferred on the State of Kansas over offenses committed by or against Indians on Indian reservations, including trust or restricted allotments, within the State of Kansas, to the same extent as its courts have jurisdiction over offenses committed elsewhere within the State in accordance with the laws of the State.

This section shall not deprive the courts of the United States of jurisdiction over offenses defined by the laws of the United States committed by or against Indians on Indian reservations. (June 25, 1948, ch. 645, § 1, 62 Stat. 827.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 217a of title 25, U. S. C., 1940 ed., Indians (June 8, 1940, ch. 276, 54 Stat. 249).

The attention of Congress is directed to consideration of the question whether this section should be broadened and made applicable to all states rather than only to Kansas. Such change was not regarded as within the scope of this revision.

Changes were made in phraseology.

CROSS REFERENCES

Offenses committed within Indian country, see section 1153 of this title.

Chapter 213.—LIMITATIONS

Sec.

- 3281. Capital offenses.
- 3282. Offenses not capital.
- 3283. Customs and slave trade violations.
- 3284. Concealment of bankrupt's assets.
- 3285. Criminal contempt.
- 3286. Seduction on vessel of United States.
- 3287. Wartime suspension of limitations.
- 3288. Reindictment where defect found after period of limitations.
- 3289. Reindictment where defect found before period of limitations.
- 3290. Fugitives from justice.
- 3291. Nationality, citizenship, and passports.

AMENDMENTS

1951—Analysis amended by act June 30, 1951, ch. 194, § 2, 65 Stat. 107, to add item "3291".

§ 3281. Capital offenses.

An indictment for any offense punishable by death may be found at any time without limitation except for offenses barred by the provisions of law existing on August 4, 1939. (June 25, 1948, ch. 645, § 1, 62 Stat. 827.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 581a, 581b (Aug. 4, 1939, ch. 419, §§ 1, 2, 53 Stat. 1198).

Sections 581a and 581b of title 18, U. S. C., 1940 ed., were consolidated into this section without change of substance.

CROSS REFERENCES

Fugitives from justice, no limitations applicable, see section 3290 of this title.

§ 3282. Offenses not capital.

Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within three years next after such offense shall have been committed. (June 25, 1948, ch. 645, § 1, 62 Stat. 828.)